

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 32392 of 2007(F)

PETITIONER:

1. M.C.VASU,
JUNIOR SUPERINTENDENT, OFFICE OF THE SENIOR JOINT
DIRECTOR OF FACTORIES AND BOILERS, ERNAKULAM,
CIVIL STATION, KAKKANAD.
2. P.C.JAYARAM,
JUNIOR SUPERINTENDENT, OFFICE OF THE DIRECTOR OF
FACTORIES AND BOILERS, VANCHIYOOR,
THIRUVANANTHAPURAM, PIN-695 035.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.S.A.ANAND

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, LABOUR DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. DIRECTOR OF FACTORIES AND BOILERS,
KERALA, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.GIRI,J.

W.P (C) No. 32392 of 2007

Dated this the 31st October, 2007

J U D G M E N T

Petitioners, who are working as Junior Superintendents in the Department of Factories and Boilers having been promoted to the said post as per Exhibit-P1 order dated 17.9.2007, the probation of the petitioners in the said post is yet to be declared . Petitioners are due to retire from service on 31.12.2007.

2. Petitioners contended that there are vacancies in the post of Senior Superintendent/Additional Inspector of Factories/Head Statistician. Promotion to the said post can be filled up only from Junior Superintendent. Petitioners also contended that though there are seniors in the post of Senior Superintendent, probation is yet to be declared in the case of those persons also. In the circumstances, there would be no meaning in convening a DPC.

3. Learned counsel for the petitioner refers to Exhibit-P3 judgment, wherein, in similar circumstances, this Court had directed that where there are incumbents whose probation in the feeder category is yet to be declared and who aspire for promotion to the higher post, it is open to the Government to

consider their provisional promotion in terms of Rule 31 (a) (i) of Part II of K.S. & S.R.

Petitioners brought this to the notice of the Government by Exhibits P5 and P6. After having heard the learned counsel for the petitioners and the learned Government Pleader, this writ petition is disposed of directing the 1st respondent to look into the claim of the petitioners under Exhibits P5 and P6 in the light of Exhibit-P3 judgment, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007